

Appl. No. 10/697,225
Docket No. 9396L
Amdt. dated April 30, 2008
Reply to Office Action mailed on January 30, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 7 - 12 are pending in the present application. No additional claims fee is believed to be due.

Claims 7, 8, and 10 have been amended to claim particular characteristics of the visible highlighting of the wetness sensation member, namely that it comprises an ink printed pattern, and to more particularly specify other aspects of the claimed structure. Support for these amendments is found in the specification and drawings, for example Figs. 3a, 5a, 6a, 7a, and at pages 8-12 of the specification.

These changes do not involve any introduction of new matter.

Rejection Under 35 USC §103(a) Over Igaue, et al. in view of Inoue, et al.

Claim 7 has been rejected under 35 USC §103(a) as being unpatentable over Igaue, et al. (GB 2,244,201A) in view of Inoue, et al. (US 6,320,096). This rejection is improper because the Final Office Action does not make out a valid *prima facie* case of obviousness with respect to this claim. Nevertheless, in an effort to advance prosecution and to obtain more timely allowance of claims, Claim 7 has been amended in a manner which renders this rejection of Claim 7 moot.

Even accepting the reasoning of the Final Action, Inoue, et al. at best suggests a wetness sensation member that “would appear different in appearance from the remaining portions of the topsheet.” (Final Action, Para. 7). Amended Claim 7 requires that the visible highlighting comprise an ink-printed pattern and that the visible highlighting be visible prior to wetting of the absorbent article and that the visible highlighting be substantially unchanged upon wetting of the article. These features in combination are not taught or suggested by the cited references even if properly combined. Therefore, Amended Claim 7 is patentable over Igaue, et al. in view of Inoue, et al. and the rejection should be withdrawn.

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Rejection Under 35 USC §103(a) Over Igaue, et al. in view of Inoue, et al. and further in view of Roe, et al.

Claims 8-12 have been rejected under 35 U.S.C. § 103 over Igaue et al. in view of Inoue et al. and further in view of Roe et al. (US 6,627,786). These rejections are traversed. Claims 8-12 all depend from Claim 7. The rejections of these claims in the Office Action all proceed from the base rejection of Claim 7 as discussed above. The addition of the Roe et al. patent, even if proper in the first instance does nothing to cure the deficiencies noted above with respect to the rejection of Claim 7. Roe et al. is added for teachings about the structural aspects of the wetness sensation member including, for example, spacing sizing, and Z-folding. None of this teaching, however, addresses the failure of the applied references to teach, alone or in combination, the claimed combination of a wetness sensation member having the visible highlighting claimed and described above. As such, a proper *prima facie* case of obviousness with respect to Claims 8-12 has not been established and these rejections should be withdrawn.

Double Patenting Rejection

Claims 7-12 are rejected on the ground of nonstatutory obviousness-type double patenting over claims 1, 4 and 7-11 of U.S. Patent 6,627,786. This patent is the Roe et al. patent discussed above. The cited claims of Roe et al. are directed to absorbent article having a wetness sensation member. The claims make no mention of a visibly highlighted wetness sensation member. In fact, if they did, this fact should have been used above. In contrast, Roe et al. was used as the third reference in a 3-reference combination to reject Claims 8-12. Now, somehow, just the claims of Roe et. al taken alone define an obvious variant of Claims 7-12. The entirety of the analysis on this point comes in one sentence that “it is known in the diaper art to highlight features of a diaper for visibility if desired.” In fact, no showing has been made in the Office Action whatsoever. Only a document which is **not prior art** was cited for such a proposition. Roe et al. itself is not cited for this teaching nor is any other prior art reference. Therefore, the initial showing of obviousness between the invention defined by Claims 1, 4, and 7-11 of Roe et al. and Claims 7-12 of the instant application has not been made. This rejection should, therefore, be withdrawn and the claims should be allowed.

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Provisional Double Patenting Rejection

Claim 7 is provisionally rejected under the judicially created doctrine of obviousness type double patenting over Claims 1 and 6-8 of Application No. 10/815,918. As previously noted in a prior reply, this Application No. 10/815,918 has been expressly abandoned, making this rejection moot.

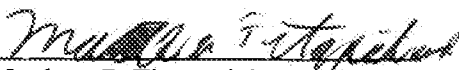
Claims 7 and 8 have been provisionally rejected for double patenting over Claims 1 and 3-5 of Application No. 10/281,791. This application is now abandoned making this rejection moot. It is pointed out to the Examiner that U.S. Patent 7,033,934 is a division of this application.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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